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Date: October 23, 2002

By:

Kay L. Gaviglio

PATENT
Docket No. GC560 D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Volker Schellenberger *et al.*

Serial No.: 10/037,677

Filed: October 23, 2001

For: Directed Evolution of
Microorganisms

Group Art Unit: 1636

Examiner: Marvich, M.

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RESPONSE TO RESTRICTION REQUIREMENT MAILED OCTOBER 1, 2002

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed October 1, 2002, Applicants respectfully request that the following amendments be made. Instructions to amend the Specification, and replacement or added paragraphs in clean form pursuant to 37 C.F.R. §1.121(b), and a clean version of the rewritten, added, and/or cancelled claims with instructions for entry pursuant to 37 C.F.R. §1.121 (c)(1)(i) are included beginning on page 2 of this communication. A marked-up version of the Specification's replacement paragraphs pursuant to 37 C.F.R. §121(b), as well as rewritten, added, and/or cancelled claims pursuant to 37 C.F.R. §1.121 (c)(1)(ii) are attached as Appendix I. A clean version of the entire set of pending claims pursuant to 37 C.F.R. §1.121 (c)(3) as they would appear following entry of this amendment is attached as Appendix II. None of the amendments to the Claims is intended to narrow the scope of any of the amended Claims within the meaning of *Festo*¹.

¹*Festo Corp. v. Shoketsu Kogyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).